

APPEAL NO. 020613  
FILED APRIL 22, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 24, 2002. The hearing officer resolved the disputed issue by deciding that the appellant (claimant) did not have disability as a result of the work-related injury in 1999. The claimant appealed and the respondent (carrier) responded.

DECISION

The hearing officer's decision is affirmed.

It is undisputed that the claimant sustained a compensable back injury. The issue before the hearing officer was whether the claimant has had disability, which is defined in Section 401.011(16) as the inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage. The claimant had the burden to prove that he has had disability. Texas Workers' Compensation Commission Appeal No. 020246, decided March 18, 2002. Conflicting evidence was presented on the disputed issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **PETROLEUM CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**JOSEPH LALLO  
4550 DACOMA  
HOUSTON, TEXAS 77092-8614**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Michael B. McShane  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge